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November 18, 2024

VIA ECF

The Honorable John G. Koeltl
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Mashinsky, 23 Cr. 347 (JGK)*

Dear Judge Koeltl:

We write on behalf of defendant Alexander Mashinsky to request an amendment to the Court’s November 8, 2024 Memorandum Opinion and Order (ECF No. 91, hereinafter, “Order”) to specify the estimated amount necessary for Daniel Leon’s travel and attendance.

On November 8, 2024, the Court granted Mr. Mashinsky’s motion to serve Mr. Leon with a subpoena requiring him to appear as a live witness at trial pursuant to 28 U.S.C. § 1783. Last week, a copy of the Order and a trial subpoena signed by the Clerk of Court were emailed to Mr. Leon’s New York-based counsel with a request to accept service on behalf of Mr. Leon. Mr. Leon’s counsel responded that he was not authorized to accept service.

The defense must therefore serve Mr. Leon in Israel pursuant to the service provisions of 28 U.S.C. § 1783. Section 1783(b) provides that the person serving the subpoena “shall tender to the person to whom the subpoena is addressed his estimated necessary travel and attendance expenses, *the amount of which shall be determined by the court and stated in the order directing the issuance of the subpoena.*” Based on a review of current prices for flights from Tel Aviv (where Mr. Leon resides) to New York on February 15, 2025, which assumes that the government’s current estimate of a three-week trial holds, we submit that \$1,500 is a reasonable estimate for a round-trip flight, two-night hotel stay in Manhattan, and the witness fees permitted under 28 U.S.C. § 1821.¹

¹ Kayak.com, a website that aggregates flight prices across various sources, shows flights between approximately \$685 and approximately \$900 leaving Tel Aviv on February 15, 2025, and returning on February 18, 2025. See https://www.kayak.com/flights/TLV-NYC/2025-02-15/2025-02-18?sort=bestflight_a (last visited November 18, 2024).

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The defense respectfully requests that the Court amend the Order to state this amount, or an amount the Court otherwise deems appropriate, which the defense will then tender to Mr. Leon when serving the Section 1783 subpoena. The defense proposes that the Court add the following language to the first paragraph of the Conclusion on page 26 of the Order: “*The person serving the subpoena shall tender to Mr. Leon \$1,500, which the Court finds to be a reasonable estimate of Leon’s necessary travel and attendance expenses.*”

The defense has confirmed that the government does not oppose this request.

Respectfully submitted,

/s/ Michael F. Westfal

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Counsel for Alexander Mashinsky

Cc: All counsel of record (via ECF)